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To: Hon. Commissioner for Patents and Trademarks

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Date/Time: 3/9/2005 5:46:51 PM

Subject: U.S. Pat. Appl. Ser. No. 09/779,588: Dkt. 01064.0011-07-000

Sir:

Please acknowledge receipt of the Notice of Appeal, Petition for a three-month extension of time, and PTO FORM 2038 for payment of the \$510 small entity extension of time fee that follows.

Respectfully,

Robert J. Eichelburg
Reg. No. 23,057

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PATENT
CUSTOMER NUMBER, 34,986
Docket No. 01064.0011-07-000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Richard LEVY) Group Art Unit: 1714
Serial No.: 09/779,588) Examiner: Cephia D. Toomer
Filed: February 9, 2001)
For: SUPERABSORBENT POLYMER-)
LUBRICANT COMPOSITIONS ON A)
SUBSTRATE)

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

NOTICE OF APPEAL

Applicant hereby appeals to the Board of Appeals from the decision dated September 10, 2004 of the Examiner.

The item(s) checked below are appropriate:

1. A Petition for extension of time to respond to the final rejection was filed on [Date] extending the period for response to [Date].
2. Applicant encloses a Petition for extension of time to further extend the period for response by three months to March 10, 2005 together with PTO FORM 2038 for payment of the small entity extension of time fee of \$510.00.
3. The Appeal Fee of \$310.00 (or \$155.00 if by small entity)
 is enclosed or is to be paid by the attached FORM PTO 2038.
 An Appeal was filed in this application on October 31, 2001 with an appeal fee in the amount of \$160.00. The examiner reopened prosecution on March 28, 2002 and appellant responded on August 23, 2002. The

Examiner then issued a restriction requirement on December 18, 2002, which she subsequently withdrew, confirming this withdrawal on June 12, 2003, at which time she also issued an Office Action on the merits of the application. Appellant responded to the June 12, 2003 Office Action on September 9, 2003, after which the examiner issued an Office Action on December 19, 2003. Applicant then filed a Notice of Appeal on December 23, 2003 and an Appeal Brief on February 23, 2004. Because additional references were cited by an examiner in a related case, applicant's attorney filed an Information Disclosure in this application on March 31, 2004 to cite these references in this application. The examiner responded by reopening prosecution on May 18, 2004, rather than filing an Examiner's Answer. Applicant then filed an amendment on June 15, 2004 and the examiner then issued a final rejection on September 15, 2004. The Manual of Patent Examining Procedure §1208.02 waives payment of the Notice of Appeal fee in these circumstances.

Respectfully submitted,

THE LAW OFFICES OF ROBERT J. EICHELBURG

March 9, 2005

By: /Robert J. Eichelburg, Reg. No. 23,057/

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CERTIFICATE OF FACSIMILE TRANSMISSION PURSUANT TO 37 C.F.R. § 1.6 (d)

I hereby certify that this correspondence is being transmitted pursuant to 37 C.F.R. § 1.6(d) by facsimile to The United States Patent and Trademark Office, Group Art Unit 1714, facsimile telephone number (703) 872-9306 on the date indicated below.

March 9, 2005

By: /Robert J. Eichelburg, Reg. No. 23,057/